

Johnson of Hall. Smith.  
Johnston of Harris Westbrook.  
Lattimore. Woodward.  
Robbins.

Absent.

Strickland.

Absent—Excused.

Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Clark.	Hudspeth.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Hall.	Parr.
Harley.	Suiter.

#### Adjournment.

A quorum not being present, the Senate, at 10:03 a. m., on motion of Senator Westbrook, adjourned until 10 o'clock tomorrow morning.

#### NINTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, August 15, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Smith.

The roll was called, a quorum was not present, the following Senators answering to their names:

Alderdice.	Harley.
Bailey.	Johnson of Hall.
Buchanan of Scurry	Johnston of Harris
Caldwell.	McNealus.
Clark.	Page.
Floyd.	Smith.
Gibson.	Westbrook.

Absent—Excused.

Bee.	Hudspeth.
Buchanan of Bell.	Lattimore.
Dayton.	McCollum.
Dean.	Parr.
Decherd.	Robbins.
Hall.	Strickland.
Henderson.	Suiter.
Hopkins.	Woodward.

#### Adjournment.

There being no quorum present, the Senate, at 10:04 o'clock a. m., on motion of Senator Gibson, adjourned until 10 o'clock tomorrow.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, August 16, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent—Excused.

Dean.	Hudspeth.
Hopkins.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

#### Excused.

Senator Bee was excused for last Monday on account of important business, on motion of Senator McNealus.

Senator McNealus was excused on account of important business for non-attendance on last Monday, on motion of Senator Bee.

The following Senators were excused for last Monday and Tuesday on account of important business, on motion of Senator McNealus, to wit: Senators Dean, Hudspeth, Lattimore and Suiter.

Senator Buchanan of Bell, Page and Parr for last Monday and Tuesday on motion of Senator Bee.

Senator Hopkins for last Monday, Tuesday, Wednesday and Thursday, on motion of Senator Bailey.

Senator Harley for last Friday, Monday and Tuesday, on motion of Senator Bailey.

**Petitions and Memorials.**

There were none today.

**Committee Reports.**

There were none today.

**Bills and Resolutions.****Simple Resolution No. 21.**

Whereas, at the Regular Session of the Thirty-fifth Legislature laws were passed establishing the West Texas A. and M. College, the Sul Ross Normal, Stephen F. Austin Normal, the South Texas Normal and several Junior A. and M. Colleges; and,

Whereas, since the passage of these laws our country has become involved in war with certain foreign countries whereby a large number of our young men will be drafted into service, and which will necessarily decrease the attendance in our colleges and universities and which result will lessen the demand for said normals and agricultural schools in this State; and,

Whereas, an extensive drouth has practically enveloped the entire State, resulting in poor crop conditions and bringing distress upon a large portion of our State and population; and,

Whereas, our State tax rate has already reached the constitutional limit and on account of extensive crop failures a large proportion of the people of the State are asking for aid and many of whom will be burdened to meet their present tax rate; therefore be it

Resolved, that the Senate of the State of Texas request that the Governor submit to the Legislature for their consideration the repeal of the laws passed at the Regular Session of the Thirty-fifth Legislature establishing the West Texas A. and M. College, Sul Ross Normal College, Stephen F. Austin Normal College, South Texas Normal College, and several Junior A. and M. colleges.

FLOYD.

The resolution was read and Senator Westbrook moved that the same be referred to the committee on State Affairs.

As a substitute, Senator Page moved the adoption of the resolution.

Senator Bailey, by unanimous con-

sent, offered the following amendment, which was read.

(1) Amend the resolution so as to include the repeal of laws establishing the Commerce Normal and John Tarleton College at Stephenville.

Senator Woodward offered the following amendment to the foregoing amendment:

Amend the amendment by striking out the words "and John Tarleton College."

Senator Harley made the point of order that the resolution, the pending amendment and the amendment thereto are not in order for the reason that they seek to limit the scope of a message to the Legislature by the Governor, submitting subjects of legislation.

The point of order was overruled, the Chair stating that the Senate can request the submission of any subject for legislation that it may see fit.

Pending discussion, Senator Westbrook asked for unanimous consent to withdraw the motion to refer the resolution to a committee. There was objection by Senator Page.

Senator Lattimore made the point of order that a motion to adopt can not be made as a substitute for a motion to refer to a committee; and further that after a motion to refer has been made, amendments can not be offered, except by unanimous consent, and therefore the amendment by Senator Woodward to the pending amendment by Senator Bailey is not in order, but that action would recur directly upon the motion to refer which would carry with it the amendment offered by Senator Bailey.

The Chair did not rule on the point of order.

By unanimous consent Senator Woodward and Senator Bailey each withdrew the substitute and the pending amendment. Also the substitute motion of Senator Page to adopt and the original motion of Senator Westbrook to refer to a committee were each withdrawn.

Senator Lattimore moved that the resolution and all amendments that may be offered be referred to the Committee on State Affairs with instructions to report at 10 o'clock tomorrow.

The motion prevailed.

Senator Bailey offered the following amendment, which was read:

(1) Amend the resolution so as to include the repeal of laws establishing the Commerce Normal and John Tarlton College at Stephenville, Texas.

Senator Woodward offered the following amendment to the foregoing amendment:

Amend the amendment by striking out John Tarlton College at Stephenville, Texas.

Senator Alderdice offered the following amendments, which were read:

(2) Amend resolution by adding in its proper place the words "Northwest Texas Insane Asylum."

(3) Amend resolution by including the act appropriating two million dollars for aid of rural schools.

Senator Westbrook offered the following substitute for the amendment to amendment No. 1:

Amend the amendment No. 1 by striking out John Tarlton College at Stephenville, Texas, and Commerce Normal College at Commerce, Texas.

Morning call concluded.

#### Messages from the Governor.

Here a messenger from the Governor appeared at the bar of the Senate and presented the following messages, which were laid before the Senate:

Governor's Office,  
Austin, Texas, Aug. 10, 1917.

To the Thirty-fifth Legislature, in Second Called Session:

At the request of Hon. W. E. Pope, I submit for your consideration a bill, hereto attached, being an act regulating the purchase of junk by persons engaged as junk dealers, etc.

And at the request of Hon. F. J. Hardy, I submit for your consideration a bill, hereto attached, being an act to amend Section 10h, Chapter 78, of the General Laws of the State of Texas passed by the Regular Session of the Thirty-third Legislature, approved March 31, 1913, and entitled "An Act to amend Section 9, Chapter 30, of the General Laws of the State of Texas passed by the Thirty-first Legislature (1909), relating to the Texas State Board of Health, etc."

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

#### Executive Office.

Austin, Texas, August 16, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At present at least fifty counties in West Texas are suffering from the worst drouth in perhaps thirty years. Conditions are deplorable. The matter of securing food for everybody is one of the gravest concern; crops are an entire failure; cattle are dying; and there is in this section no seed for planting next year's crop.

Many officials from these counties have applied to me to use the good offices of this department to relieve the distressing condition. Having recently visited the West, I know that the situation has not been overstated. It is one not to be considered lightly. It is the duty of the State to take up this matter and prevent any possibility of suffering or lack of food and clothes.

Therefore, I submit for your consideration the matter of taking such action and making such appropriation as you are permitted to make under the law for the relief of our citizenship in West Texas.

At this time, when the Government is making so many liberal appropriations, let us not disregard a call of humanity. I respectfully request your prompt and serious consideration of this grave matter.

JAS. E. FERGUSON,  
Governor of Texas.

#### Recess.

At 12:05 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 3 o'clock today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order at 3 o'clock p. m. by President Pro Tem. Smith.

#### Simple Resolution No. 22.

(By unanimous consent.)

Whereas, Section 12 of Article 4 of the Constitution of the State of Texas makes it imperative upon the

Governor within ten days after the convening of the Senate to nominate to the Senate the names of all persons appointed to fill official vacancies since the adjournment of the Senate; and,

Whereas, the Governor sent up for confirmation at the Regular Session the name of C. W. Woodman for Labor Commissioner, which was rejected, and thereafter the Governor sent up to the Senate the name of Frank Swor, as his nominee for said place, which nomination was confirmed, but the Senate has learned that said Swor, who was at that time assistant to said Woodman, has failed and refused to qualify and take the oath of office, but is continuing to act as assistant to said Woodman, who is continuing to act as Labor Commissioner and to draw the salary therefor, which condition of things is in utter defiance of the provisions of the State Constitution, and a setting of same at naught; and,

Whereas, the Senate has learned that various other recess nominations have been made and the names of none of said appointees have been sent to the Senate for confirmation; now therefore be it

Resolved by the Senate of Texas, that it is the sense of this body that all of the vacancies in office, including that of Labor Commissioner, are still effective and that the acts of said nominees as officials are void and their said offices constitutionally vacated by reason of the fact that the names of said nominees were not sent to the Senate during the first ten days of the session.

McNEALUS.

Senator Bailey offered the following substitute for the resolution:

Resolved by the Senate, That the Hon. Jas. E. Ferguson, Governor of Texas, be and he is hereby requested by the Senate to send up at once to the Senate the names of all persons appointed by him since the adjournment of the Legislature at its First Called Session whose confirmation it is or may be the duty of the Senate at its present session to consider, in order that the same may be considered by the Senate and the same confirmed or rejected, as the Senate may decide.

BAILEY.

The substitute was read.

Senator McNealus moved to table the substitute resolution, and the

motion prevailed by the following vote:

Yeas—13.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Caldwell.	Smith.
Decherd.	Sulter.
Johnson of Hall.	Westbrook.
Johnston of Harris.	

Nays—8.

Bailey.	Harley.
Bee.	McCollum.
Clark.	Page.
Hall.	Parr.

Present—not Voting.

Floyd.

Absent.

Dayton.	Strickland.
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Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Pair Recorded.

Senator Gibson (present), who would vote "yea"; Senator Woodward (absent), who would vote "nay."

Senator Bailey offered the following amendment to the pending resolution:

Amend the resolution by striking out all of the same except so much thereof as applies and refers to C. W. Woodman and Frank Swor.

Senator Lattimore made the point of order that the amendment is indefinite in that it does not designate nor seek to strike out any particular part of the resolution.

The Chair held the amendment out of order.

Senator Page offered the following amendment to the resolution:

Amend the resolution by striking out in the resolution after the word "effective," in line 24, and by inserting a period after said word "effective."

(Senator Alderdice in the chair.)

Senator McNealus offered the following substitute for the pending amendment:

Strike out the last paragraph of the resolution and insert in lieu thereof the following:

Be it resolved by the Senate of



Texas, That it is the sense of this body that all of the vacancies in office, including that of Labor Commissioner, are still effective and their said offices constitutionally vacated by reason of the fact that the names of said nominees were not sent to the Senate during the first ten days of the session.

Senator Bailey made the point of order that this Senate has no right to declare vacant any office except that of a Senator, in any manner except by impeachment, and then only after the charges have been properly presented by the House of Representatives, and that this resolution seeks to vacate certain offices.

The point of order was overruled, the Chair holding that this Senate has a right to express its position on any matter.

By unanimous consent the substitute for the amendment and the amendment were each withdrawn by their authors.

Senator Page offered the following substitute for the pending resolution:

#### Substitute Resolution.

Whereas, Section 12 of Article 4 of the Constitution of the State of Texas makes it imperative upon the Governor within ten days after the convening of the Senate to nominate to the Senate the names of all persons appointed to fill official vacancies since the adjournment of the Senate; and,

Whereas, the Governor sent up for confirmation at the regular session the name of C. W. Woodman for Labor Commissioner, which was rejected, and thereafter the Governor sent up to the Senate the name of Frank Swor, as his nominee for said place, which nomination was confirmed, but the Senate has learned that said Swor, who was at that time assistant to said Woodman, has failed and refused to qualify and take the oath of office, but is continuing to act as assistant to said Woodman, who is continuing to act as Labor Commissioner and to draw the salary therefor, which condition of things is in utter defiance of the provisions of the State Constitution, and a setting of same at naught; be it

Resolved, by the Senate of Texas, that it is the sense of this body that the above acts of said Woodman and said Swor is in violation of the laws of this State and we request the Attorney General to take such action in the courts as may be necessary to convict

the actions of said Woodman and said Swor.

PAGE.

Senator McNealus moved to table the substitute for the resolution, and a roll call was demanded.

Senator Bailey moved that the Senate stand adjourned until 10 o'clock tomorrow morning.

The Chair held that a roll call had been ordered and that same could not be interrupted, and directed the roll call to proceed:

The motion to table prevailed by the following vote:

Yeas—11.

Alderdice.	McNealus.
Buchanan of Bell.	Robbins.
Floyd.	Smith.
Gibson.	Suiter.
Johnson of Hall.	Westbrook.
Lattimore.	

Nays—7.

Bailey.	McCollum.
Bee.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	

Present—not Voting.

Johnston of Harris.

Absent.

Clark.	Strickland.
Dayton.	Woodward.
Hall.	

Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Pair Recorded.

Senator Decherd (present), who would vote "yea"; Senator Harley (absent), who would vote "nay."

#### Refusal to Adjourn.

At 5:50 o'clock p. m. Senator Bailey moved that the Senate stand adjourned until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—6.

Bailey.	McCollum.
Bee.	Page.
Floyd.	Parr.

## Nays—13.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Caldwell.	Smith.
Decherd.	Suiter.
Gibson.	Westbrook.
Johnson of Hall.	

## Present—not Voting.

Johnston of Harris.

## Absent.

Clark.	Harley.
Dayton.	Strickland.
Hall.	Woodward.

## Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Senator Bee raised the point of no quorum.

The Chair held that there being twenty Senators present, that number constitutes a quorum.

## Simple Resolution No. 22.

## (Pending.)

Senator McNealus moved the previous question on the adoption of the resolution, which motion being duly seconded, the main question was ordered.

Action recurred upon the adoption of the resolution, the roll was called, the result being as follows:

## Yeas—13.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Floyd.	Smith.
Gibson.	Suiter.
Johnson of Hall.	Westbrook.
Johnston of Harris	

## Nays—5.

Bailey.	McCollum.
Bee.	Page.
Caldwell.	

## Absent.

Clark.	Parr.
Dayton.	Strickland.
Hall.	Woodward.

## Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

## Pair Recorded.

Senator Decherd (present), who would vote "yea"; Senator Harley (absent), who would vote "nay."

## Adjournment.

There being no quorum present, Senator Bailey, at 6 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow.

The motion prevailed.

## ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, August 17, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Harley.
Bailey.	Johnson of Hall.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

## Absent—Excused.

Dean.	Hudspeth.
Henderson.	Johnston of Harris.
Hopkins.	McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator McNealus.

## Excused.

Senator Johnston of Harris for today and tomorrow, on account of important business, on motion of Senator Bailey.

## At Ease.

By unanimous consent and on re-